

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62099 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- BISFI District- Madhubani

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Amod Yadav, Son Of Garib Lal Yadav, Resident Of Village - Badiya, P.S. -
Sadar, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Bisfi P.S. Case No. 30 of 2023, registered for the offences under Sections 272 and 273/34 of the Indian Penal Code and Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, three persons riding on a motorcycle were apprehended by the police patrolling party as they were found in inebriated condition. From the search of the motorcycle, 350ml of India made foreign liquor was recovered. The petitioner is said to be the owner of the motorcycle and one of the co-accused persons, namely, Raja Harischandra is the brother of the petitioner who admitted that he has been using the



motorcycle and the same was kept in his custody.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case only for the reason that he is the owner of the motorcycle. Nothing incriminating has been recovered from the person or possession of this petitioner. The brother of the petitioner and his friends took the motorcycle for marketing and the same is apparent from the FIR and they consumed liquor and kept some liquor for their further consumption. The petitioner has no connection with the seized liquor. The petitioner has never indulged in any type of illicit trade of liquor. Petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is said to be the owner of the motorcycle from which 350 ml of liquor was recovered and further considering the distinct lack of material against the petitioner to connect him with the offence as alleged, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) with two sureties of the like amount each to the satisfaction



of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court in connection with Bisfi P.S. Case No. 30 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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